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Document Title

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Name and Return Address *19. chg*
DEBRA A. BROWN
CITY OF EAGLE RIVER
CLERK * TREASURER
P.O. BOX 1269
EAGLE RIVER, WI 54521

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**TAMARACK BUSINESS PARK
RESTRICTIVE COVENANTS**

WHEREAS, the City of Eagle River has purchased and zoned accordingly for industrial growth the following described real estate; and

**The SE ¼ of the NE ¼ of Section 33, Township 40 North,
Range 10 East, City of Eagle River, Vilas County, Wisconsin.**

WHEREAS, the City of Eagle River desires to establish minimum requirements for the future owners of real estate within the above described Tamarack Business Park; and

WHEREAS, the City of Eagle River desires to create these Restrictive Covenants to make the Tamarack Business Park more compatible with the surrounding property owners and to shield them from activities within the Business Park; and

WHEREAS, at the time of the creation of these covenants, the entire parcel of real estate constituting the Tamarack Park is owned by the City of Eagle River;

NOW, THEREFORE, in consideration of the statements made above, the City of Eagle River does hereby create the following restrictions on the above-described real estate:

1. Exterior Lighting: All general exterior and security lighting shall be shielded at not less than 180 degrees, and shielded in such a fashion as to prevent glaring light beyond the property lines of the individual property boundary except where more than one lot is owned by the same entity within the above-described Business Park.
2. Subdivision of Lots: There shall be no subdivision or further division of lots as created by the City of Eagle River, except upon motion of the City Council.
3. Structures: The primary approved use structure to be placed upon any property purchased within the Tamarack Business Park shall be constructed and completed within one year from the date of purchase of the subject real estate upon which the structure is being placed.
4. Ingress/Egress: All access routes to and from lots in the Tamarack Business Park shall be on the central public street, known as Commerce Loop, or via any new created public streets within the park. There shall be no ingress and egress to perimeter surface roads. Initial park infrastructure construction is excepted.
5. Parking: There shall be no parking on any public street within the boundaries of the above-described Business Park.

6. Property Elevations: Lots within the Tamarack Business Park shall not be landscaped, nor shall foundations or buildings be designed or engineered so as to cause normal storm water runoff onto the adjacent public streets, within and without the Tamarack Business Park or to adjacent lots within the Business Park.

7. Anti-back-flow Valve: Each facility which connects to the public sanitary sewer system within the Tamarack Business Park shall be required to install an Anti-back-flow valve to prohibit up-flow from the sanitary sewer main into the lot owners sanitary sewer lateral.

8. Sanitary Sewer Monitoring Hole: Each inhabited facility and/or each facility using water within the Tamarack Business Park must connect to the public sanitary sewer system within the park. Each facility connected to the public sanitary sewer system shall include a monitoring hole at a minimum of 4 inches continuous from the surface to the sewer lateral and the lot owner by purchasing a lot in the Tamarack Business Park hereby consents to the City of Eagle River or its designated agents monitoring the sanitary sewer system monitoring hole as described herein.

9. Noise: Owners of parcels within the Tamarack Business Park may not run an operation which emits a noise level for 30 seconds or more, and which exceeds 80 decibels beyond their property line. Testing and monitoring shall use current federal Occupational Safety and Health Administration (OSHA) standard and means. In addition, limited and sporadic noise is limited to current acceptable OSHA standards.

10. Drainage: All owners of lots within the above-described Tamarack Business Park and which have an impervious surfaces upon their lots, shall provide for an on site retention basin capable of retaining up to two inches of rain per hour on site. The on site retention basins shall be drained via the public ditch system within the park to one of two Tamarack Business Park provided retention basins.

11. Tree/Vegetation Shielding: Tamarack Business Park perimeter lots shall be required to install and maintain a tree/vegetation terrace. The terrace area will be directly adjacent to the road right of way which would be either Loon Lake Road or Tamarack Street, and which are on the north and west boundaries of the Tamarack Business Park perimeter. The same tree/vegetation screen shall be required for the perimeter lot lines of the south and east perimeters of the Business Park. The five foot terrace area is part of and included in the set backs of each lot.

12. Sanitary Sewer Clean Out: Every facility requiring sewer connection within the above-described Tamarack Business Park shall at the time of connection to the public sanitary sewer within the park construct a sanitary system clean out hole with a minimum 4" width in diameter pipe from the surface to the sewer lateral. Said clean out shall be constructed on the exterior of the structure.

13. Signs: The City Council of the City of Eagle River hereby reserves the right to restrict or prohibit any and all signs in the Tamarack Business park in addition to whatever sign regulations exist in the City of Eagle River general Zoning Ordinances by a three-quarter (3/4) vote of the City Council.

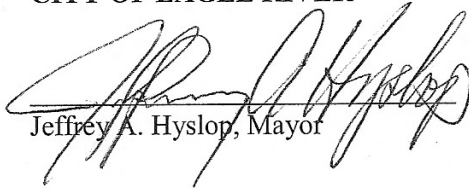
ANY deed, lease, conveyance, or contract made in violation of these restrictions shall be void and may be set-aside on petition of the City of Eagle River. If a conveyance and/or document or other instrument is set-aside by decree of a court of competent jurisdiction, all costs and expenses of such proceedings shall be taxed against the offending party or parties and shall be declared by the court to constitute a lien against the real estate so wrongfully deeded, sold, leased, or conveyed until paid, and such lien may be enforced in such a manner as the court may order.

THIS agreement constitutes a covenant running with the land and all successor future owners of the real estate described in this document shall have the same right to invoke and enforce its provisions as the original executor of this document.

THIS document shall take effect upon the execution of this document and its recording in the office of the Register of Deeds for Vilas County, State of Wisconsin.

DATED at Eagle River, Wisconsin this 1 day of April, 2004.

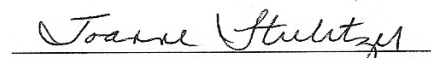
CITY OF EAGLE RIVER

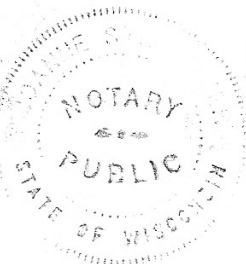

Jeffrey A. Hyslop, Mayor


Debra A. Brown, City Clerk

STATE OF WISCONSIN }
 }ss.
COUNTY OF VILAS }

Personally came before me this 1st day of April 2004, the above named Jeffrey A. Hyslop, to me known to be the person who executed the foregoing instrument and acknowledges the same.

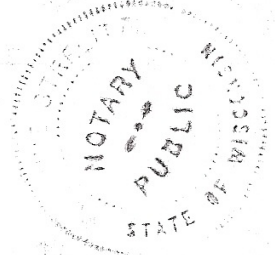

Notary Public, State of Wisconsin
My Commission Expires: 5-1-05



STATE OF WISCONSIN }
 }ss.
COUNTY OF VILAS }

Personally came before me this 1st day of April 2004, the above named Debra A. Brown, to me known to be the person who executed the foregoing instrument and acknowledges the same.

Joanne Stutzel
Notary Public, State of Wisconsin
My Commission Expires: 5-1-05



Drafted By:
Steven C. Garbowicz, Attorney at Law
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